

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MELISSA OSTRANDER, Plaintiff )

v. )

HUSSMANN CORPORATION,  
Defendant )

CIVIL ACTION NO. 04-30197-MAP

DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Now comes the defendant and moves the court for summary judgment on plaintiff's failure to warn claim sounding in both negligence and breach of warranty. As grounds, on the undisputed facts in the pre-trial record the defendant is entitled to judgment as a matter of law. The defendant files herewith a memorandum of law and Rule 56(e) materials.

WHEREFORE, the defendant respectfully requests the court make findings under Fed. R. Civ. P. 56(d) and grant partial summary judgment on plaintiff's warning claims.

HUSSMANN CORPORATION,  
Defendant

By John B. Stewart  
JOHN B. STEWART  
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"I HEREBY CERTIFY THAT A TRUE COPY OF THE  
FOREGOING DOCUMENT WAS SERVED UPON EACH  
PARTY APPEARING PRO SE AND THE ATTORNEY  
OF RECORD FOR EACH PARTY BY MAIL, (IN HAND)

ON 10/14/05

John B. Stewart